

**LISTING OF THE CLAIMS**

1. (original) An antibody or antigen-binding fragment thereof that binds to an extracellular localized epitope of Hsp70 on tumor cells.
2. (original) The antibody of claim 1, wherein said tumor is a human tumor selected from the group consisting of colon, lung, stomach, pancreas, head and neck, ovary, and/or breast cancer, melanoma, glioblastoma, sarcoma and or leukemia such as AML, ALL, MDS or blastocytoma.
3. (currently amended) The antibody of claim 1 ~~or 2~~, wherein said epitope comprises or consist of the amino acid sequence NLLGRFEL (SEQ ID NO: 1) or TKDNNLLGREFEELSG (SEQ ID NO: 2).
4. (currently amended) The antibody of ~~any one of~~ claims 1 ~~to 3~~, which is a monoclonal antibody.
5. (original) The antibody of claim 4, which is monoclonal antibody cmHsp70.1 as produced by hybridoma cmHsp70.1, deposited with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH, Mascheroder Weg 1b, D-38124 Braunschweig, Germany on November 14, 2003, and assigned Accession Number DSM ACC2629, or cmHsp70.2 as produced by hybridoma cmHsp70.2, deposited with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH on November 14, 2003, and assigned Accession Number DSM ACC2630.
6. (original) An antibody or antigen-binding fragment thereof that competes with an antibody of claim 5 for binding to an extracellular localized epitope of Hsp70 on human tumor cells.

7. (currently amended) The antibody or antigen-binding fragment of ~~any one of~~ claims 1 to 6, which is capable of exhibiting an inhibitory effect on the cytolytic activity of NK cells against Hsp70 expressing tumor cells.
8. (currently amended) The antibody of ~~any one of~~ claims 1 to 7, which is a human, humanized, xenogeneic, or a chimeric human-murine antibody.
9. (currently amended) The antigen-binding fragment of ~~any one of~~ claims 1 to 8, which is selected from the group consisting of a single chain Fv fragment, an F(ab') fragment, an F(ab) fragment, and an F(ab')<sub>2</sub> fragment.
10. (original) A hybridoma that produces a monoclonal antibody of any one of claims 1 to 9.
11. (original) The hybridoma of claim 10, selected from the group consisting of hybridoma cmHsp70.1, deposited with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH, Mascheroder Weg 1b, D-38124 Braunschweig, Germany on November 13, 2003, and assigned Accession Number DSM ACC2629, and cmHsp70.2, deposited with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH on November 14, 2003, and assigned Accession Number DSM ACC2670.
12. - 17. (cancelled)
18. (original) A bi- or multifunctional molecule that comprises the binding domain of an antibody of any one of claims 1 to 9, an immunoglobulin chain thereof or a binding fragment thereof which binds cell surface membrane-bound heat shock protein (HSP), and at least one further functional domain.
19. (original) The bi- or multifunctional molecule of claim 18, which is bispecific molecule.
20. (original) The bispecific molecule of claim 19, which is a bispecific antibody.

21. (original) The bi- or multifunctional molecule of any one of claims 18 to 20, wherein said further functional domain is a cytotoxic agent or a label.
22. - 25. (cancelled)
26. (currently amended) A method of determining a tumor comprising assaying cells in a sample from a patient with the antibody of any one of claims 1 to 9 ~~or 17~~ or the bi- or multifunctional molecule of any one of claims 18 to 21, wherein the presence or increased amount of extracellular localized Hsp70 is indicative for the tumor.
27. (original) The method of claim 26 comprising an immunological step.
28. - 30. (cancelled)
31. (currently amended) ~~The use of claim 28 or 30 or the method of any one of claims~~ claim 26; ~~or 27, 29 or 30~~, wherein said tumor is selected from the group consisting of carcinomas of lung, colorectum, pancreas, larynx, stomach, head, neck, breast, ovaries, uterine cervix, liver, peripheral and central nervous system, sarcomas, chronic myeloic leukemia (CML), acute myeloic leukemia (AML), acute lymphatic leukemia (ALL), non Hodgkin Lymphoma (NHL), myeloproliferative syndrome (MPS), myelodysplastic syndrome (MDS), plasmocytoma, melanoma and metastatic tumors.
32. (cancelled)
33. (currently amended) A method of targeting a ~~therapeutic and/or~~ diagnostic agent to a cell which expresses an extracellular localized epitope of Hsp70 on the cell surface, comprising administering to the subject a therapeutically effective amount of a bi- or multifunctional molecule of any one of claims 19 to ~~22~~ 21.

34. (cancelled)

35. (currently amended) The method of claim 33 ~~or the use of claim 34~~, wherein said cell is a tumor cell or a cell related to an immune or infectious disease.

36. - 39. (cancelled)